

**CLOVIS UNIFIED
SCHOOL DISTRICT**

PERSONNEL

General

NONDISCRIMINATION IN EMPLOYMENT

PURPOSE: To create a safe school and work environment for persons of all backgrounds.

The Board recognizes the increasing cultural diversity of the District's students, staff, and community. The Board directs the Superintendent or designee to create a safe school environment for persons of all backgrounds.

No staff member shall, on the basis of any legally protected status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination or harassment under any education program or activity administered by the District.

Discrimination Defined

For purposes of this policy, discrimination consists of unlawful conduct based upon an individual's actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics.

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including, but not limited to the following:

- a. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment.
- b. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training.
- c. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment. Examples of such conduct include, but are not limited to:
 - Graffiti containing racially offensive language.
 - Name calling, offensive jokes or rumors.
 - Offensive notes or cartoons.

**CLOVIS UNIFIED
SCHOOL DISTRICT**

- Racial slurs, negative stereotypes, and hostile acts which are based upon another's race or color.
 - Written or graphic material containing racial comments or stereotypes which is posted or circulated and which is aimed at degrading individuals based on race, color or national origin, or sexual orientation.
- d. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086.

The Board also prohibits retaliation against any District employee who opposes any discriminatory employment practice by the District or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the District's complaint process pursuant to this policy.

The conditions of employment, including wages, hours, terms and benefits, shall be applied without regard to race, color, religion, ancestry, national origin, disability, gender, age, or sexual orientation. Employees shall observe all laws, policies, and regulations prohibiting discrimination or harassment. Any District employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

The Board encourages all personnel to assist in the accomplishment of the District's mission through their personal commitment to the concept of equal opportunity for all employees. The Superintendent or designee shall use all appropriate means to reinforce the District's nondiscrimination policy, including providing training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the District's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the District's employment practices and, as necessary, shall take action to ensure District compliance with the nondiscrimination laws.

Any complaint relating to employment discrimination, harassment, or retaliation shall be investigated in accordance with the procedures in Board Policy and Administrative Regulation No. 1312.3 - Uniform Complaint Procedures.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment, including harassment of an employee by a nonemployee, shall report the incident to the Superintendent or designee as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The District shall protect any employee who reports such incidents from retaliation.

Adopted: 01/11/1989
Reviewed: 07/18/2007

**CLOVIS UNIFIED
SCHOOL DISTRICT**

Amended: 04/10/1991, 12/09/1991, 08/02/1995, 09/22/1999, 05/29/2001, 04/13/2005,
03/23/2011, 10/21/2020 (BP 6204 renumbered as BP 4030)

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act, especially:

12940-12952 Unlawful employment practices

12960-12976 Unlawful employment practices; complaints

PENAL CODE

422.56 Definitions

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment, especially:

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11027-11028 National origin and ancestry discrimination

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

UNITED STATES CODE, TITLE 29

621-634 Age Discrimination in Employment Act

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008

2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964

6101-6107 Age discrimination in federally assisted programs

12101-12213 Americans with Disabilities Act

**CLOVIS UNIFIED
SCHOOL DISTRICT**

CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures; dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age

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